

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK and STATE OF
CONNECTICUT,

Plaintiffs,

v.

E. SCOTT PRUITT,
in his official capacity as Administrator of the
United States Environmental Protection Agency,
and the UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

Civil Case No.: 1:18-cv-00406-JGK

**DECLARATION OF ASSISTANT
ATTORNEY GENERAL
MORGAN A. COSTELLO**

I, Morgan A. Costello, declare as follows:

1. I am an Assistant Attorney General in the Environmental Protection Bureau in the office of Eric T. Schneiderman, Attorney General of the State of New York, attorney for the State of New York in this matter. I submit this declaration in support of plaintiffs' motion for summary judgment in the above-captioned case.

2. On October 26, 2017, pursuant to section 304(b)(2) of the Clean Air Act and 40 C.F.R. Part 54, on behalf of New York, I sent a citizen suit notice of intent to sue letter via certified mail, return receipt requested to (E.) Scott Pruitt, Administrator, United States Environmental Protection Agency (collectively, EPA), notifying EPA of the violation of the mandatory duty to timely promulgate a federal implementation plan to address Illinois, Michigan, Pennsylvania, Virginia and West Virginia's obligations under the Good Neighbor Provision, 42 U.S.C. § 7410(a)(2)(D)(i)(I), and of New York's intention to commence a lawsuit if EPA did not correct the violation within 60 days. A true and accurate copy of the notice letter and the return receipt evidencing EPA's receipt of the letter are attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

So declared this 9th day of April, 2018.


Morgan A. Costello